

REMARKS

Claims 1, 3-8, 16, 18, 19, 21, 22, 28-33, 39, 41, and 42 are pending in this application. Claims 1, 3, 4, 7, 8, 16, 18, 28, 29, 31, 39, 41, and 42 have been amended. Support for the claim amendments can be found in the specification. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 7,342,896 to Ayyagari ("Ayyagari"). Applicant respectfully traverses this rejection.

To anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant respectfully submits that Ayyagari fails to teach or suggest every element recited in amended independent claim 1. For example, amended independent claim 1 recites "sending a hidden node report to one or more of the plurality of nodes to activate a hidden node protection mechanism for a particular node for avoiding a collision with a transmission from the hidden node when communicating with the access point."

As correctly noted in the Office Action, Ayyagari does not disclose activating a hidden node protection mechanism on a reporting node. Applicant submits that Ayyagari also fails to teach or suggest "sending a hidden node report to one or more of the plurality of nodes to activate a hidden node protection mechanism for a particular node for avoiding a collision with a transmission from the hidden node when communicating with the access point."

In view of the above, Applicant respectfully submits that amended independent claim 1 is not anticipated and is allowable over Ayyagari. Amended independent claims 28 and 39 recite features similar to those recited in amended independent claim 1. Applicant respectfully submits that amended independent claims 28 and 39 are not

anticipated and are allowable over Ayyagari for reasons analogous to those presented with respect to amended independent claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection with respect to amended independent claims 1, 28, and 39.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 3-8, 16, 18, 19, 21, 22, 29-33, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ayyagari in view of USPN 6,967,944 to Choi ("Choi"). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. *See e.g.*, MPEP § 2143.

Applicant respectfully submits that Ayyagari and Choi, whether taken alone or in combination, fail to teach or suggest every element recited in amended independent claim 1. For example, amended independent claim 1 recites "sending a hidden node report to one or more of the plurality of nodes to activate a hidden node protection mechanism for a particular node for avoiding a collision with a transmission from the hidden node when communicating with the access point."

As mentioned, the recited claim language is not taught or suggested by Ayyagari. To address the admitted deficiencies of Ayyagari, the Office Action relies on portions of Choi disclosing a Request to Send (RTS)/Clear to Send (CTS) mechanism.

Choi arguably discloses an access point that determines which stations are hidden from each other, and then transmits a frame message to active stations to designate a time allocation for concurrent peer-to-peer transmissions between pairs of stations without the benefit of the access point. In addition, Choi arguably discloses the use of the RTS/CTS mechanism during the peer-to-peer communications to handle hidden terminals.

Applicant respectfully submits that this is clearly different than the claimed subject

matter which recites “sending a hidden node report to one or more of the plurality of nodes to activate a hidden node protection mechanism for a particular node for avoiding a collision with a transmission from the hidden node when communicating with the access point.”

In view of the above, even if Ayyagari and Choi could be combined, which Applicant does not admit, such combination would not teach or suggest all the features of amended independent claim 1. Further, Applicant submits that there is no teaching, suggestion or motivation to modify Ayyagari and/or Choi to include all the features of amended independent claim 1. Consequently, Ayyagari and Choi, whether taken alone or in combination, are insufficient to render amended independent claim 1 obvious under § 103(a).

For at least the above reasons, Applicant submits that amended independent claim 1 is allowable and that dependent claims 3-8 are also allowable by virtue of their dependency, as well as on their own merits. Amended independent claims 16, 28, and 24 recite features similar to those recited by amended independent claim 1. Therefore, Applicant respectfully submits that amended independent claims 16, 28, and 24 are allowable for reasons analogous to those presented with respect to amended independent claim 1 and that dependent claims 18, 19, 21, 22, 29-33, 41, and 42 are also allowable by virtue of their dependency, as well as on their own merits.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claims 3-8, 16, 18, 19, 21, 22, 29-33, 41, and 42.

Conclusion

It is believed that claims 1, 3-8, 16, 18, 19, 21, 22, 28-33, 39, 41, and 42 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the rejection set forth in the Office Action with respect to any of the features of the independent claims and dependent claims. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited

references, taken alone or in combination, based on additional features contained in the independent claims or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/Robert V. Racunas/

Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: July 18, 2008

KACVINSKY LLC
C/O Intellevate
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529